



December 16, 2005

BY ELECTRONIC FILING

Marlene M. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket 05-261: *In the Matter of Fones4All Corporation's Petition for Expedited Forbearance Under 47 U.S.C. § 160 (c) and Section 1.53 from Application of Rule 51.319(d) to Competitive Local Exchange Carriers Using Unbundled Local Switching to Provide Single Line Residential Service to End Users Eligible for State or Federal Lifeline Service*

Dear Ms. Dortch:

Yesterday, the undersigned, on behalf of Fones4All Corporation ("FonesAll"), conducted a telephonic *ex parte* meeting with Michelle Carey, Legal Advisor to Chairman Martin. The points discussed are set forth in the attached presentation.

In accordance with the Commission's rules, 47 C.F.R. Sec. 1.1206(b)(1), Fones4All is electronically filing in the above-referenced docket this letter, along with the attached materials.

Respectfully submitted,

Ross A. Buntrock
Counsel to Fones4All Corporation

cc: Michelle Carey (via electronic mail)



Fones4All Corp.

**Petition for Expedited Forbearance
WC Docket 05-261**

Ross Buntrock, Womble Carlyle

Dec. 15, 2005

Overview



- Company Overview
- Procedural Background
- The Record Is Complete And Demonstrates That The Forbearance Criteria Are Met
- The Looming Deadline for Implementation of 51.319(d) Compels Immediate Grant of the Petition
- Conclusion

Company Overview



- A California-based CLEC focused on low income single line residential customers who qualify for Lifeline.
 - Use outreach methods recommended by the Joint Board and adopted by the Commission.
- Today serves approximately 80,000 single line residential Lifeline customers in California.
- Fones4All is now deploying its own network, but without access to ULS will need to pull out of certain wire centers where it does not have a critical mass of customers to warrant facilities.

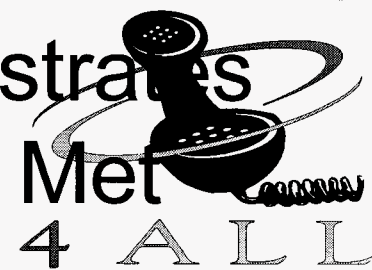
Procedural Background

- Fones4All filed Petition on July 1, 2005.
- Initial comments filed October 14, 2005, replies November 14, 2005.
 - Only oppositions were filed by BellSouth, SBC, USTA and Verizon.
 - As CompTel and Fones4All noted in Replies, every other carrier interested in supporting the Petition is precluded from participating in this proceeding by gag provisions of “commercial agreements” signed with Bells.
- Community groups representing over 1.5 million recent immigrants and a number of CBOs support the Petition.
- The record is complete today and the Commission should not delay in granting the Petition.



The Record Is Complete And Demonstrate That The Forbearance Criteria Are Met

- Fones4All has demonstrated that:
 - Section 51.319(d) of Commission's rules is not necessary to prevent unjust or unreasonable discriminatory treatment of telecommunications carriers,
 - Section 51.319(d) of Commission's rules is not necessary to protect the interests of telecommunications consumers, and
 - that forbearance from Section 51.319(d) as it pertains to carriers using it for the sole purpose of providing Lifeline service is in the public interest
- 47 U.S.C. § 160(a) allows the Commission to exercise forbearance authority with respect to "*any regulation* or any provision" for which it determines the forbearance criteria are met, as they are here.



The Record Is Complete And Demonstrates That The Forbearance Criteria Are Met

- In *TracFone* the Commission concluded that it “must consider whether forbearance...will promote competitive market conditions. If the Commission determines that such forbearance will promote competition among providers of telecommunications services, that determination may be the basis for a Commission finding that forbearance is in the public interest.”
- The record shows that grant of the Petition will promote competition in the Lifeline market.
- The record is complete and the Commission has all of the evidence it needs to immediately grant the Petition

FONES



The Looming Deadline for Implementation of New ULS Rule Compels Immediate Grant of Petition

- If the Commission fails to act well before the March 11, 2006 effective date of Rule 51.319(d), thousands of Fones4All Lifeline customers who are not within reach of Fones4All's network will likely lose Fones4All service.
- Failure of the Commission to act well in advance of the March 11 deadline will adversely affect many Lifeline customers served by competitors and needlessly disrupt or extinguish what little competition exists in the Lifeline market today.
- In light of the complete record the Commission need not use the entire year it has under Section 160(c), and under no circumstances should the Bureau extend the deadline by 90 days on its own motion.



Conclusion

- As Commissioner Abernathy recognized in the TracFone Order, “it is essential that we take all possible steps to ensure that low-income users are not barred from utilizing available support on the basis of the specific technologies they wish to use or the specific business plans pursued by their service providers.”
- The Commission has an opportunity to further enhance competition available to low income consumers consistent with its decision in *TracFone* by exercising its forbearance authority here, consistent with Section 10 of the Act.